

1 **Article 8.**

2 **Orders of Protection or Restraint to Protect Health or Safety of Children.**

3 § 12-15-150. [GPI] Power of courts exercising juvenile jurisdiction to enter ~~protection or~~  
4 ~~restraint~~ex parte order; when order may be entered; purpose of order.

5 ~~Any-The~~ court ~~exercising juvenile jurisdiction under Chapter 15 of Title 12~~ may, at any time,  
6 after a dependency petition has been filed, or on an emergency basis, enter an order of protection  
7 or restraint to protect the health or safety of the child.

8 § 12-15-151. [GPI] Requisites for order; notice and hearing; evidentiary standard; showing  
9 of necessity to protect health or safety of child, child's best interest.

10 ~~A-An~~ ex parte protection or restraint order may be entered after notice and a hearing, upon  
11 proper showing, by a preponderance of the evidence, that such an order is necessary to protect  
12 the health or safety of the child or is otherwise in the child's best interest.

13 § 12-15-152. [GPI] Content of order; order may set forth reasonable conditions of behavior  
14 for parents, persons responsible for care, etc.; enumeration of certain specific  
15 requirements which may be included in order.

16 (a) The protection or restraint order may set forth reasonable conditions of behavior to be  
17 observed by a person who is a parent or other person legally responsible for the child's care, or  
18 the spouse of the parent, or spouse of any other person legally responsible for the child's care, or  
19 relatives of any of the above, or residents of the child's home, or any other person.

20 (b) The protection or restraint order may, among other things, require any such person(s):

21 (1) To stay away from the home in which the child resides, the family or the child;

22 (2) To vacate the home in which the child resides;

23 (3) To permit a parent to visit the child at stated periods under stated conditions or deny  
24 visitation;

(4) To deny access to the home in which the child resides to persons who have been harmful to the child;

(5) To refrain from acts of commission or omission that tend to make the home in which the child resides an unsafe place for the child;

(6) To cooperate with any treatment or Department of Human Resources service plan found necessary to the best interests of the child;

(7) To obtain or participate in individual or family counseling;

(8) To refrain from abusive, disruptive, or harassing behavior toward the child, the other parent, or toward any person to whom custody of the child is awarded;

(9) To limit or refrain from contact or communication with the child, family, children in the home or any other child; and

(10) To pay temporary support for the child or other family members; to pay the costs of medical, psychiatric or physical treatment or care of the child or other family members.

**§ 12-15-153. [GPI] Emergency ex parte orders authorized upon showing of verified evidence of abuse or neglect; evidence required; hearing required within 72 hours of issuance of order.**

The court may enter ~~a protection or restraint~~ an ex parte order of protection or restraint on an emergency basis, without prior notice and hearing, upon a showing of verified written or oral evidence of abuse or neglect injurious to the health or safety of the child and the likelihood that such abuse or neglect will continue unless the order is issued. If an emergency order is issued, a hearing, after notice, must be held within 72 hours of the written request or the next judicial business day thereafter, to either dissolve, continue or modify the order.

**§ 12-15-154. [GPI] Modification, extension or termination of order after notice and hearing for person subject thereto; findings required concerning child's best interests.**

1 After notice and opportunity for hearing afforded to a person subject to a protective or  
2 restraint order, the order may be modified or extended for a further specified period, or both, or  
3 may be terminated if the court finds that the best interests of the child will be served thereby.

4 **§ 12-15-155. [GPI] Violations of orders punished as contempt; ~~wilful~~willful conduct**  
5 **rendering violator responsible for court costs and attorney fees.**

6 **(a)** Any person violating an order of protection or restraint shall be punishable for contempt  
7 of court, as in other cases, and shall upon a finding of ~~wilful~~willful conduct, be responsible for  
8 the payment of court costs and attorney fees incurred by any person in seeking enforcement of  
9 the order.

10 **(b)** Any person may also be charged with a willful violation of a protection order pursuant to  
11 Section 30A-5-1, et seq., Code of Alabama 1975.

12 **§ 12-15-156. [GPI] Construction of article; article to be read in pari materia with certain**  
13 **other laws.**

14 The provisions of this article shall be construed in pari material with Sections 30-5-1 through  
15 30-5-11, as amended, and other criminal laws relating to child abuse except to the extent there is  
16 no conflict herewith.